

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

22-mj-3441-McAliley

UNITED STATES OF AMERICA

vs.

Cristian Pena Encarnacion, Ismael Soto Arocho,
Jerry Famania Roche, and Angel Garces Castillo,

Defendants.

FILED BY dgi D.C.

Aug 25, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - mia

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,
JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

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UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America
v.
Cristian Pena Encarnacion, Ismael Soto Arocho,
Jerry Famania Roche, and Angel Garces Castillo

) Case No. 22-mj-3441-McAliley

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/24/2022 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|-----------------------|---|
| 21 U.S.C. § 846 | Conspiracy to possess with intent to distribute a controlled substance; |
| 21 U.S.C. § 841(a)(1) | Attempted possession with intent to distribute a controlled substance. |

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

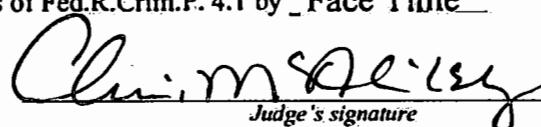
Continued on the attached sheet.


Joseph McKeon
Complainant's signature

Joseph McKeon, SA HSI
Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: 8-25-22


Chris M. McAliley
Judge's signature

City and state: Miami, Florida

Hon. Chris M. McAliley, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joseph McKeon, being duly sworn, hereby depose and state the following:

INTRODUCTION

1. I am a Special Agent with U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI) and have been so employed since February 2022. As a Special Agent, I am responsible for investigating cross-border crimes involving violations of U.S. customs and immigration laws, including Title 21 of the United States Code.
2. As a law enforcement officer within the meaning of Section 2510(7) of Title 18, United States Code, I am empowered by law to conduct investigations of and make arrests for, but not limited to, offenses enumerated in Titles 18, 19, 21, 31 and 46 of the United States Code.
3. The information contained in this affidavit is submitted for the sole purpose of establishing probable cause for the arrest of Cristian PENA ENCARNACION, Jerry FAMANIA ROCHE, Ismael SOTO AROCHO, and Angel GARCES CASTILLO for (1) attempted possession with intent to distribute a controlled substance, that is, approximately 11.55 kilograms of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and (2) conspiracy to possess with intent to distribute the same, also in violation of Title 21, United States Code, Sections 841(a)(1) and 846.
4. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not contain all the information known to me and other law enforcement officers involved in this investigation. The facts and information contained in this affidavit are based on my personal knowledge and observations, as well

as information received in my official capacity from other individuals, including other law enforcement officers involved in this investigation.

PROBABLE CAUSE

5. On or about August 22, 2022, a Tanzanian-flagged cargo freighter arrived in the United States from Rio Haina, Dominican Republic. Upon arrival, the vessel anchored offshore of Miami, Florida pending high tide for further transit to the vessel's destination up the Miami River. Law enforcement divers conducted a customs inspection of the vessel and the vessel's hull below the waterline while the vessel remained anchored. During the inspection, the divers located an item attached to a grate covering the bow thruster propeller on the port side of the vessel.

6. Upon closer inspection, the item was determined to be a net filled with brick shaped packages. The net was secured to the vessel with large carabiners. Its opening was closed with straps, chain, and pad locks. Divers removed the net from the vessel and brought it to the surface. Law enforcement agents opened the net and found nine brick-shaped packages inside. The packages contained a substance that field-tested positive for cocaine. The packages contained approximately 11.55 kilograms of cocaine.

7. HSI agents replaced the packages of cocaine in the net with packages of sham narcotics. These packages were made to closely resemble the packages of cocaine previously in the net. One of the packages of sham narcotics also contained a tracking device. Agents then reattached the net to the hull of the vessel in the same location as where it was originally discovered.

8. Agents monitored the vessel and observed it arrive at the shipping terminal on the Miami River at approximately 5:30 PM on August 23, 2022. At approximately

1:05 AM on Wednesday, August 24, 2022, agents noticed a flashlight and a person in the water near where the net attachment was secured. After several minutes, the person swam along the port side of the vessel before they were no longer visible. Approximately 15 minutes later, the tracker hidden in the sham narcotics recorded its first location “ping” since being installed below the waterline of the vessel at the anchorage. The ping identified the package was located along the south bank of the river approximately 360 yards to the east of the vessel. Agents responded to the location and discovered a pair of wet diving fins on the shore of the river.

9. Shortly thereafter, the tracker reported a location ping approximately five blocks west of where agents located the wet diving fins. Agents responded to that location, which was near the Radisson Red Hotel located at 3401 NW 25th Street, Miami, FL 33142. Agents observed four male subjects near a white Ford cargo van in the hotel parking lot. The van was reversed into a parking stall in the last row along a hedge and fence line abutting a lake connected to the Miami River. The subjects were observed interacting with the packages of sham narcotics at the rear of the Ford van.

10. As additional agents and task force officers moved towards the area, the subjects appeared to recognize that they had been seen by law enforcement. Agents observed the subjects throw the packages of sham narcotics into the lake. Three of the subjects—subsequently identified as SOTO AROCHO, FAMANIA ROCHE, and GARCES CASTILLO—moved away from the van and towards the entrance to the hotel parking lot, where they were apprehended. One subject—subsequently identified as PENA ENCARNACION—jumped the fence and attempted to flee the area but was also apprehended. PENA ENCARNACION was wearing black diving boots when

apprehended.

11. After encountering the subjects, agents swept the Ford van. In the rear cargo area of the van, agents observed the net that had previously held the cocaine and sham narcotics, wrappings which the agents recognized previously contained the sham narcotics, a scuba tank, and other scuba equipment.

12. A review of security cameras from the hotel identified the four subjects arriving and departing the hotel together and the white Ford cargo van and a Lexus sedan with a North Carolina license plate arriving at the hotel at similar times. The Lexus sedan is registered to the mother of SOTO AROCHO's child. The Ford van is also registered in North Carolina.

CONCLUSION

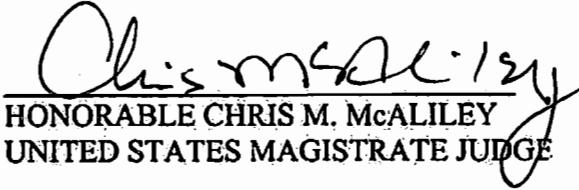
13. Based on the forgoing, I respectfully submit that there is probable cause to believe that on or about August 24, 2022, Cristian PENA, ENCARNACION, Jerry FAMANIA ROCHE, Ismael SOTO AROCHO, and Angel GARCES CASTILLO knowingly and willfully conspired to possess cocaine with the intent to distribute it to another person, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and attempted to possess cocaine with the intent to distribute it to another person, also in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

On

and attempted to possess cocaine with the intent to distribute it to another person, also in violation of Title 21, United States Code, Sections 841(a)(1) and 846.


JOSEPH MCKEON
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1
by Face Time this 25 day of August 2022.


HONORABLE CHRIS M. McALILEY
UNITED STATES MAGISTRATE JUDGE